

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

BRET THIELEN, individually and on  
behalf of a class of similarly situated  
individuals,

Plaintiff,

v.

BUONGIORNO USA, INC., a Florida  
Corporation, d/b/a BLINKO,

Defendant.

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CASE NO. 1:06-CV-16

HON. ROBERT J. JONKER

**ORDER**

Before the Court are Defendants' unopposed Motion to Dismiss Counterclaim with Prejudice (Dkt. No. 47), and the parties' Stipulation and Order to Dismiss with Full Prejudice and Without Costs "all of the claims which plaintiff made or could have made." (Dkt. No. 97).

The Court having reviewed Defendants' Motion to Dismiss under FED. R. CIV. P. 41(a)(2) and Plaintiff's Response stating that Plaintiff does not object to Defendants' Motion to Dismiss (Dkt. No. 60 at 2), it is **ORDERED** that Defendants' Motion to Dismiss Counterclaim is **GRANTED** and Defendant's counterclaim is **DISMISSED** with prejudice.

**IT IS FURTHER ORDERED** under FED. R. CIV. P. 41(a)(2), based on the stipulation of the parties, that this case, and all of the claims which Plaintiff made or could have made in this case, are **DISMISSED** with full prejudice to all parties and without costs to any party.

Dated: September 6, 2007

/s/ Robert J. Jonker  
ROBERT J. JONKER  
UNITED STATES DISTRICT JUDGE